IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1088 OF 2005

WITH

CIVIL APPLICATION NO.1330 OF 2005

Yusuf M.H. Sanwarwala ..Appellant.

Vs.

Municipal Corporation of Greater Bombay ..Respondent.

....

Ms.Vidya Manjrekar h/f Mr.P.M. Havnur for the Appellant.

Mr.J. Xavier for the BMC.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

29th November 2005.

P.C. :

Mentioned. Not on Board. By consent taken on Board and heard.

The notice under Section 351 alleged that

there was an unauthorized construction as follows :

> "Unauthorized construction in house gally with B.M. Walls, part ladi coba ladi loft and A.C. Sheet/ladi coba ladi roofing total admeasuring about 58’-0" X average width 7’-0" X average height 12’-0" at about premises as shown in sketch at overleaf."

The Learned Trial Judge has taken due note of the fact that more than 50 tenants had made complaints to the Municipal Corporation of an unauthorized construction by the Appellant. The unauthorized construction is in a house galli. There is no material to show that the structure is authorized. Even before this Court absolutely no material has been produced. There is no merit in the Appeal, which is accordingly dismissed.

In view of the disposal of the Appeal from Order, the Civil Application is rendered infructuous and is accordingly disposed of.